

Form FOC 68

OBJECTION TO REFEREE'S RECOMMENDED ORDER

Use this form if:

- you are objecting to a referee's recommended order.

You must state your objection in writing and file it with the court as soon as possible, **but not later than 21 days**, after you receive a copy of the referee's recommended order. Objections should be based on good reasons - if your objection is made without grounds, is unreasonable, or is only intended to delay the entry of an order, the court can require you to pay the court costs or attorney fees to handle your objection.

OBJECTION TO REFEREE'S RECOMMENDED ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|---|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | File the objection form with the clerk's office? | YES <input type="checkbox"/> |
| 4. | Mail a copy of the objection on the other party and on any other custodian/guardian after the judge and hearing date were assigned to your case by the clerk? | YES <input type="checkbox"/> |
| 5. | Return to the clerk's office after you mailed the objection and notice of hearing to the other party and completed the certificate of mailing? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the objection and notice of hearing form for yourself? | YES <input type="checkbox"/> |
| 7. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

You must attend the hearing on the objection.

If you cannot answer "yes" to all of the above steps, a hearing on your objection may be delayed or your objection may be dismissed.

By using this form you are representing yourself in a court action. In order to receive the action you seek, you must follow the instructions. If you fail to do even one of the required steps, the order you get from the court may not give you what you want.

If you have questions about any step in the process, read pages 3 through 4 for details.

INSTRUCTIONS FOR USING FORM FOC 68 OBJECTING TO A REFEREE'S RECOMMENDED ORDER

»» FILING AN OBJECTION

If your hearing was held before a referee and you do not agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a de novo (new) hearing before the judge.

1. Fill out the Objection to Referee's Recommended Order form.

Use the instructions on page 6. Type or print neatly. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, call the friend of the court office about getting a hearing date. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge who will be hearing the motion.

Make at least 5 copies of the form after you have filled it out.

2. File the form with the county clerk.

Take the 6 copies of the form to the county clerk in the county where your case is located. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 68 (with any attachments) - for the you
- 1 Copy of FOC 68 (with any attachments) - for other party
- 1 Copy of FOC 68 - for proof of service to the court
- 1 Copy of FOC 68 - for proof of service to the friend of the court

»» SERVING THE MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the objection and notice of hearing on the other party.

The other must be notified of the objection and hearing date at least 9 weekdays (not including holidays) before the hearing date. Serve the papers by mailing them to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 68 (with any attachments) - for the other party
- 2 Copies of FOC 68 - for proof of service
- Any additional copies of FOC 68 (with any attachments) - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection and notice of hearing and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

3. If the copy you sent to the other party is returned to you.

The hearing cannot be held until it can be proven to the court that both parties know about the hearing. If the other person's copy is returned to you, you must:

- Get the current address of the other person from the friend of the court or another source.
- If there are less than 9 days before the original hearing date, cancel the original hearing date and schedule a new one.
- Fill out another notice of hearing form.
- When a new address cannot be obtained, cancel the original hearing date which has been scheduled. Other ways of notifying the other party are listed in the Michigan Court Rules (MCR 2.106).

4. Attend the hearing.

You must attend the hearing on the objection.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring a copy of the referee's recommended order and either the Order Regarding Support (Form FOC 52), Order Regarding Parenting Time (Form FOC 67), or Order Regarding Custody (Form FOC 89) with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the judge to know. The information should relate to the reasons stated in your objection. Use this list to bring up important points.
3. If you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the courtroom and tell the clerk (sitting near the judge's bench) your name, you are there for a hearing, and you are representing yourself. Don't interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called. If you want to tape record the hearing, you must ask the judge or referee before the hearing starts.

6. When you are called, go to the podium and clearly state the following:
 - 1) your name
 - 2) you are representing yourself
 - 3) you are objecting to a referee's recommended order
 - 4) the facts or reasons for your objection (**bring any supporting papers with you**)
 - 5) whether you have witnesses in court who are willing to testify

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation. Ask questions of the judge or referee if you don't understand what is being ordered.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Don't interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. After the judge makes a decision, the party who requested the hearing is responsible for preparing the order even if it is not what was asked for. Follow the instructions for form FOC 53 or FOC 54.

**INSTRUCTIONS FOR COMPLETING
"OBJECTION TO REFEREE'S RECOMMENDED ORDER"**

Use this form if you are a party to an action and you have received a copy of a referee's recommended order that you disagree with. By completing this form and filing it with the court, you are asking for a new hearing before a judge. You must fill out this form and file it with the county clerk within 21 days after you receive a copy of the referee's recommended order.

Please print neatly. After filling in the form, you will need to make at least 5 copies.

All items must be completed before your objection can be filed with the court. Please read the instructions for each item. Then fill in the correct information for that item.

- Copy the "Case No." from the referee's recommended order onto this form.
- See the court papers mentioned above to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy your names from these court papers on this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this form.

You are the "objecting party". Once you have written the names where they belong, check the box "objecting party" in the same box as your name.

- Write in the date the recommended order was signed by the referee. The date will be at the bottom of the order.
- Explain in as much detail as possible why you disagree with the referee's recommended order.
- Write in today's date and sign your name. Call the friend of the court office in your county to find out how to get a hearing date. See page 3 for details.
- **Notice of Hearing:** Once you get a hearing scheduled, fill in the full name of the judge who will be hearing this objection, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

Go to the county clerk's office with the 6 copies of this form. The clerk will return 4 copies to you.

- **Certificate of Mailing:** Read page 3 for details on mailing this form to the other party. On the date you mail 1 copy to the other party, write in the date and sign your name on the remaining 3 copies.

Return to the county clerk with 2 copies. Read page 4 for details.

You must read the direction on the legal process.